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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/940,280 | 08/27/2001 | Frederick H. Carter | 15437-0546 | 4555 |

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HICKMAN PALERMO TRUONG & BECKER, LLP
AND SUN MICROSYSTEMS, INC.
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1089

| EXAMINER | |
|---|---|
| BRUCKART, BENJAMIN R | |
| **ART UNIT** | **PAPER NUMBER** |
| 2155 | |

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/940,280 | CARTER, FREDERICK H. | |
| | Examiner | Art Unit | |
| | Benjamin R. Bruckart | 2155 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *12 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## Detailed Action

Claims 1-26 are pending in this Office Action.

Claims 10, 23 are cancelled.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Publication No. 2002/0178254 by Brittenham et al in view of U.S. 5,574,782 by Baird et al.

## Response to Arguments

Applicant's arguments filed in the amendment filed 4/12/05, have been considered but are moot in view of the new ground(s) of rejection.

**Applicant's invention as claimed**:

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Publication No. 2002/0178254 by Brittenham et al in view of U.S. 5,574,782 by Baird et al.**

Regarding claim 1,

The Brittenham reference teaches a process comprising at least one activity, a computer implemented method for performing an activity (Brittenham: page 2, para 17; page 4, para 41; activity = web service), comprising:

receiving a message to perform an activity which calls for invocation of a service provided by a service application (Brittenham: page 2, para 17; web service), said service being invocable using a protocol (Brittenham: page 4, para 41);

executing a set of logic which implements said protocol to generate a service invocation (Brittenham: page 2, para 17), wherein said service invocation is generated based upon at least a portion of information, and is in compliance with said protocol (Brittenham: page 4-5, para 41, 47-48, 53); and

sending said service invocation to said service application to invoke said service (Brittenham: page 5, para 50).

The Brittenham reference does not explicitly state a service definition that maps attributes and parameters.

The Baird reference teaches obtaining a service definition for said service (Baird: col. 7, lines 35-47; the message), wherein said service definition comprises mapping information that maps one or more attributes associated with said activity to one or more parameters used by said service (Baird: col. 8, lines 11-24);

The Baird reference further teaches the invention provides services without service disruption (Baird: col. 1, lines 57-65; col. 3, lines 27-65).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create a computer implemented method for performing an activity as taught by Brittenham while employing a service definition matching attributes and parameters as taught by Baird in order to provide a service without disruption (Baird: col. 1, lines 57-65; col. 3, lines 27-65).

Claims 2-9, 11 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Brittenham et al and Baird.

Regarding claim 2, the method of claim 1, wherein said protocol is an industry standard protocol (Brittenham: page 4, para 41).

Regarding claim 3, the method of claim 2, wherein said protocol is SOAP (simple object access protocol) (Brittenham: page 4, para 41).

Regarding claim 4, the method of claim 2, wherein said protocol is ebXML (Brittenham: page 4, para 41; col. 2).

Regarding claim 5, the method of claim 1, wherein said activity has an activity definition associated therewith, and wherein said activity definition comprises said service definition (page 5, para 53; definition for deployed service).

Regarding claim 6, the method of claim 1, wherein said service definition comprises an indication that said protocol is to be used to invoke said service (Baird: col. 2, lines 15-28; col. 8, lines 11-24).

Regarding claim 7, the method of claim 1, wherein said service definition comprises access information for accessing said service (Baird: col. 5, lines 38-53).

Regarding claim 8, the method of claim 7, wherein said access information comprises a URI (universal resource identifier) (Brittenham: page 5, para 48; URL is a component of a URI. URI is made up of URNs and URLs).

Regarding claim 9, the method of claim 7, wherein said access information comprises a service name (Brittenham: page 4, para 40).

Regarding claim 11, the method of claim 1, wherein said message to perform said activity is received from a process management engine, and wherein said method further comprises:

receiving a reply from said service application which comprises one or more results of said service invocation (Brittenham: page 6, para 57); and

providing at least a portion of said one or more results to said process management engine to complete performance of said activity (Brittenham: page 6, para 56-57; process management engine = DN).

Regarding claim 12,

The Brittenham reference teaches a computer implemented method for performing one or more activities (Brittenham: page 2, para 17; page 4, para 41; activity = web service), comprising:

receiving a first message to perform a first activity which calls for invocation of a first service provided by a first service application (Brittenham: page 2, para 17; web services; *The Brittenham reference teaches the deployment node for a plurality of web services. The deployment node receives a plurality of messages for different services as shown in Figure 3 with the counter and POP and in Figure 1 with the different origin server and POP servers*);

selecting a first set of logic based upon said indication in said service definition for said first service, said first set of logic implementing said first protocol (Brittenham: page 5, para 41);

executing said first set of logic to generate a first service invocation (Brittenham: page 5, para 50), wherein said first service invocation is generated based upon, at least a portion of, said information for said first service, and is in compliance with said first protocol (Brittenham: page 4-5, para 41, 47-48, 53); and

sending said first service invocation to said first service application to invoke said first service (Brittenham: page 5, para 50).

The Brittenham reference does not explicitly state a service definition that maps attributes and parameters.

The Baird reference teaches obtaining a service definition for said first service (Baird: col. 7, lines 35-47; the message), wherein said service definition comprises mapping information that maps one or more attributes associated with said activity to one or more parameters used by said service (Baird: col. 8, lines 11-24) and where said service definition for said first service comprising an indication that a first protocol is to be used to invoke said first service (Baird: col. 2, lines 15-28; col. 8, lines 11-24).

The Baird reference further teaches the invention provides services without service disruption (Baird: col. 1, lines 57-65; col. 3, lines 27-65).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create a computer implemented method for performing an activity as taught by Brittenham while employing a service definition matching attributes and parameters as taught by Baird in order to provide a service without disruption (Baird: col. 1, lines 57-65; col. 3, lines 27-65).

Claim 13 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Brittenham et al and Baird.

Regarding claim 13, the method of claim 12, further comprising:

receiving a second message to perform a second activity which calls for invocation of a second service provided by a second service application (Brittenham: page 2, para 17; web service);

obtaining a service definition for said second service (Brittenham: pages 4-5, para 47-48), said service definition for said second service comprising an indication that a second protocol is to be used to invoke said second service (Brittenham: page 4, para 41; pages 5-6, para 55, 58; name of the soap server, run-time environment; different services leverage web services stack of different protocols; Figure 6);

selecting a second set of logic based upon said indication in said service definition for said second service, said second set of logic implementing said second protocol (Brittenham: page 5, para 41);

executing said second set of logic to generate a second service invocation (Brittenham: page 5, para 50), wherein said second service invocation is generated based upon at least a portion of said service definition for said second service, and is in compliance with said second protocol (Brittenham: page 4-5, para 41, 47-48, 53); and

sending said second service invocation to said second service application to invoke said second service (Brittenham: page 5, para 50).

While the examiner understands the difference between a computer implemented method for performing activities and a computer readable medium comprising instructions, which perform activities, the examiner relates these to the code and features of code running on a computer system. Therefore the claims below are equated to each other in nature and are therefore rejected accordingly.

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## REMARKS

The examiner thanks the applicant for clearly identified arguments and amendments. Applicant has cancelled claims 10 and 28 and has entered the limitation into each of the independent claims.

**The Applicant Argues:**

The definition of service definition was different from the prior art, Brittenham and the instant application.

**In response**, the examiner respectfully submits:

The new grounds of rejection meet the amended claim limitations. While Brittenham does teach prior art for the basis of the invention, the Baird reference teaches the service definition in the form of a message used to provide services mapping elements of the message and service logic. The claim language is still broad and can be read upon openly by references of this nature. Applicant is encouraged to further detail how and when the service definition is obtained and how the service runs on the protocol determined from service definition.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155
brb

BRB

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100